

REMARKS

In accordance with the foregoing, claims 10, 17 and 20-21 have been amended. Claims 1-21 are pending and under consideration.

The present claim amendments overcome the claim objections.

The rejection based on Lee is now discussed. Using independent claim 1 as an example, this claim recites a front part formed of stretchable material and a rear part formed of essentially a non-stretchable material. Lee discloses a sheet 12 and a sweatband 10, which the Examiner interprets as corresponding to the claimed front part and rear part, respectively. However, it is respectfully submitted that the sheet 12 is not formed of a stretchable material.

The sweatband 10 is made of leather. Lee, p. 2, ln. 2. The sheet 12 is "of a suitable water-resistant or waterproof material, preferably a material having a suitable fabric for a base and having applied to one side thereof a suitable waterproofing material." Lee, p. 1, ln. 68-73. Thus, there is no disclosure that this is a stretchable material, only that the material is water-resistant or waterproof and has a "suitable" fabric for a base.

Although not specifically disclosed in Lee, further analysis of the reference indicates that there would be no need for the sheet 12 to be made of a stretchable material. As shown in FIG. 4 of the reference, the sweatband 10 is inside the hat relative to the sheet 12. Thus, a user's head would contact the sweatband 10, which is made of leather and is non-stretchable, according to the Examiner. In this contacted state, the sweatband 10 would not stretch due to a force of the user's head, but would instead resist this force and maintain the original size. Thus, the user's head could not expand beyond the original size of the sweatband 10 and affect the sheet 12. Thus, the sheet 12 would not need to be stretchable.

It is acknowledged that page 1, lines 72-73 of Lee disclose applying a rubber compound to one side the sheet 12. While a rubber compound may be stretchable, it is noted that if the base material to which this compound is applied is not stretchable, then the resulting structure is not stretchable. As discussed above, there is no disclosure of and no need for the base fabric of the sheet 12 to be stretchable.

Accordingly, withdrawal of the rejection is requested.

The rejections based on Park are now discussed. Using independent claim 1 as an example, this claim recites a front part formed of stretchable material and a rear part formed of essentially a non-stretchable material. Park discloses a narrow stripe 7 and a headband 3, which the Examiner interprets as corresponding to the claimed front part and rear part,

respectively. However, as shown in FIG. 3 of the reference, there is not a front/rear relationship between these elements, as claimed. Instead, the headband 3 is above the narrow stripe 7.

Claim 2 depends from claim 1 and recites that the front part of the headband is attached to the crown in tension. According to the Examiner, FIG. 3 of the reference illustrates "a bottom edge attached to the crown in tension by stitching." Office Action, page 3. It appears that the Examiner relies upon the stitching as indicating the attachment in tension. However, it is submitted that stitching is not dispositive of tension, since one may also stitch an element that is not under tension. Aside from the stitching (relied upon only by the Examiner), there is no other indicia of tension in FIG. 3.

Alexander does not overcome these deficiencies in Park, and is not relied on by the Examiner to do so.

Accordingly, withdrawal of the rejections is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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